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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,542	12/06/2000	Pierre Sernet	NODL-P1	2073

7590 10/05/2004  
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EXAMINER
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PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/731,542

Applicant(s)

A

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being unpatentable over Luke et al. (U.S. 6,131,087).

Luke et al. disclose claims:

1. An online trading system comprising:

(a) a Bid/Offer input interface for allowing a user to enter terms in a predetermined set of fields for a bid or offer and to submit the bid or offer for posting in the system anonymously without identification of the submitter (col.3, line 54-56; “providing a system of matching anonymous participants...”);

(b) a Trading Summary interface (80) operable by users for displaying an anonymous postings of bids and offers submitted to the system, and for identifying a match of a bid and a counterpart offer with respect to the terms in the predetermined set of fields of each counterpart (col.3, lines 27-59);

(c) a Bid/Offer database for storing and retrieving data records of bids and offers submitted to the system (200); and

(d) a Counter Bid/Offer interface (540) operable by a user to select a pending bid or offer displayed on a display of the Trading Summary interface, to retrieve the corresponding data record from the Bid/Offer database and display the terms existing in the predetermined set of fields without identification of the submitter, and then to counter or modify one or more terms

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and submit the countered or modified bid or offer as a new posting in the system without identification of the submitter (col.9, line 49-col.10, line 34);

whereby users of the system can remain anonymous while engaging in countering or modifying an original bid or offer as a new posting in the system in order to move progressively toward a match of terms in the predetermined set of fields (col.3, line 54-56; "providing a system of matching anonymous participants...").

2. An online trading system according to Claim 1, wherein the Bid/Offer input interface includes a predetermined set of fields typical of commodities contracts (col.5, line 13-col.6, line 55).

3. An online trading system according to Claim 1, further having an Administration interface for registering users authorized to access the system over a network connection, and for checking users logging on to the system over a network connection for such authorization before providing access to the system (col.4, lines 26-62).

4. An online trading system according to Claim 3, wherein the Administration interface includes a trading rules function for setting preferences of a user as to counterparties that the user is willing to engage in trading activities with, wherein said Administration interface loads the preferences set for a user when the user logs on to the system in order to display only bids and offers on the Trading Summary interface submitted by parties that meet the user's preferences (claims 1-14).

5. An online trading system according to Claim 1, further having an Administration interface for registering a group of users who are members of the same company and are authorized to access the system over a network connection, and for checking users logging on to the system to over a network connection for such authorization before providing access to the system (120, 140)

6. An online trading system according to Claim 5, wherein the Administration interface includes a trading rules function for setting preferences for all members of a company as to counterparties the company is willing to engage in trading activities with, wherein said administration interface loads the preferences set for a user as a member of the company when the user logs on to the

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system in order to display only bids and offers on the Trading Summary interface submitted by parties that meet the company's preferences (205, 206, 207, 208).

7. An online trading system according to Claim 1, wherein the Trading Summary interface includes a filter for filtering out for display only those bids and offers which meet a given filter criterion(206, 208).

8. An online trading system according to Claim 7, wherein the Trading Summary interface displays a limited set of parameters for each bid and offer in columns corresponding to the parameters, and the filter is operated to filter bids and offers in accordance with a column parameter selected by the user (“The system submits the offer data in the form of numeric data points to the exchange participant 520, who evaluates the proposed transaction and either accepts 530, counter offers 540, or rejects 550 the proposition. (Evaluation of the proposed transaction by the originator of the solicitation data is accomplished in the same manner as the solicitation data was evaluated by the originator of the offer data: The offer data from the account 100 is sent to the originator of the solicitation data. Optionally the internal computer system of the originator of the data formats the data points of the offer data for display in the preferred fashion. The originator of the offer data then evaluates the offer and reaches a decision. Of course, the evaluation can be a fully automated transaction based on parameters chosen by the originator of the offer data or the solicitation data.) If the exchange participant, that is the originator of the solicitation data, accepts 530 the proposition, then the two parties have agreed to an exchange of resources based on the originator of the offer data's preferred points. Depending on the transaction, marketplace protocols, etc. both the offer data and solicitation data containing the bargaining ranges for participants of the exchange are deleted 531 from the solicitation database. The agreed upon transaction space, i.e. the terms of the transaction, are then written 532 in to the archive database (300 in FIG. 1)”)

10. An online trading system according to Claim 7, wherein the Trading Summary interface displays bids in one part of a display view to the user and offers in another part of the display

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view, and the filter is operated to filter the closest matching bids to a selected offer, and vice versa (steps 400-220 of fig.2)

11. An online trading system according to Claim 1, wherein the Counter Bid/Offer interface is operable by the user to retrieve the data record of a selected bid or offer submitted by a counterparty and to generate a counteroffer or counterbid by incorporating the terms of the selected bid or offer and any change or modification to the terms entered by the user (fig.2).

12. An online trading system according to Claim 1, wherein the Counter Bid/Offer interface is operable by the user to retrieve the data record of a selected bid or offer submitted by the user and to generate a modified offer or bid by incorporating the terms of the selected bid or offer and any change or modification to the terms entered by the user (method steps of fig.2).

13. An online trading system according to Claim 6, wherein the Trading Summary interface provides a display to the user in which bids or offers submitted by other users of the same company are identified and accepting or matching such bids or offers is precluded (method steps of fig.2).

14. An online trading system according to Claim 1, wherein a match of a bid and counterpart offer is determined by the Trading Summary interface when all terms in the predetermined set of fields match (method steps of fig.2).

15. An online trading system according to Claim 14, wherein a close match of a bid and counterpart offer is determined by the Trading Summary interface when the terms in the predetermined set of fields are separated by a predetermined number of unmatched terms (205, 206, 207).

16. An online trading system according to Claim 15, wherein a close match is determined by the predetermined number of unmatched terms being one (fig.2A).

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17. An online trading system according to Claim 1, wherein the Trading Summary interface generates a final contract between the parties when a match is determined which incorporates the matched terms of the predetermined set of fields (figs. 2A-2E)

18. An online trading system according to Claim 17, wherein the Bid/Offer input interface includes an additional field for entry of administrative terms for inclusion in the final contract between the parties but which are not taken into account by the Trading summary interface in determining a match (fig.3).

19. A method of conducting online trading comprising:


- (a) allowing a user to access an online trading system and enter terms in a predetermined set of fields for a bid or offer and to submit the bid or offer for posting in the system anonymously without identification of the submitter;
- (b) displaying an anonymous postings of bids and offers submitted to the system, and identifying a match of a bid and a counterpart offer with respect to the terms in the predetermined set of fields in each counterpart;
- (c) storing data records of the bids and offers submitted to the system;
- (c) retrieving the data record of a bid or offer selected by a user and providing a display of the terms existing in the predetermined set of fields for the bid or offer without identification of the submitter, and allowing the user to change or modify one or more terms and submit the countered or modified bid or offer as a new posting in the system without identification of the submitter, whereby users of the system can remain anonymous while engaging in countering or modifying an original bid or offer as a new posting in the system in order to move progressively toward a match of terms in the predetermined set of fields. (Claim 19 is similarly rejected as in claims 1-18).

20. A method of conducting online trading according to Claim 19, further comprising: precluding a user from selecting a bid or offer for countering which was submitted by a party which has been predeterminedly identified as a party the user is precluded from trading with (figs. 2A-2E).

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyun Sough can be reached on 703 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFREY PWU  
PRIMARY EXAMINER